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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,830	07/26/2001	Donald X. Smith II	10006971-1	8744

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

LEZAK, ARRIENNE M

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,830

Applicant(s)

SMITH, DONALD X.

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

## DETAILED ACTION

Examiner notes that no Claims have been amended, added or cancelled. All Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 31 March 2004 as reiterated herein below.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent 6,012,087 to Freivald.

3. Regarding Newly Amended Claims 1, 7, 13 & 17 and Original Claims 2, 8, 14 & 18, Freivald discloses a network update tracking system in a server, (Abstract; Col. 1, lines 19-67; Col. 2, lines 1-17; Claims 1-20; & Fig. 5), comprising:

- a processor circuit having a processor and a memory, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21);
- update detection logic stored on the memory and executable by the processor, the update detection logic comprising logic that detects a number of updates in a corresponding number of network

sites, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21); and

- logic that generates an update report to be sent to a client via a network, the update report listing at least one of the updates, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; Col. 7, lines 1-21; & Col. 14, lines 55-60);
- wherein the update detection logic further comprises logic that transmits the update report to the client via the network, (per pending Claims 2, 8, 14, 17 & 18), (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; Col. 7, lines 1-21; & Col. 14, lines 55-60).

4. Though Freivald discloses a database with a history table, which database stores a plurality of records, (Col. 4, lines 9-64), Freivald does not specifically enumerate the storage of a specific list of variables, tags or attributes wherein updates are not made to portions of a site associated with one of the variables, tags or attributes, (per newly amended Claims 1, 7, 13 & 17). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to specifically store a list of "variables, tags or attributes" for purposes of limiting updated material within the Freivald database for several reasons. Primarily, the Freivald database teaches the storage of URL/web page information, which information is obviously inclusive of all variables, tags or attributes comprising the same. Additionally, Freivald teaches comparison of web page information for updating purposes wherein "changes in the web page that are not unique but match an earlier version of the web page do not notify the remote client",

(Col. 4, lines 41-43). In other words, Examiner finds that Freivald clearly and obviously teaches an update detection means wherein changes to a webpage are distinguished. The motivation to have specific webpage qualities stored, (variables, tags and attributes), for detection/comparison/update purposes, is also found within Freivald which enumerates a need for "a change-detection tool that does not report changes that are not relevant to the user", (Col. 4, lines 2-4), wherein categorization via the use of specific variables, tags and attributes for change-detection would have been obvious as a means for quick identification of web-related information already stored within the database (per the teachings of Freivald). Thus, Newly Amended Claims 1, 7, 13 & 17 and Original Claims 2, 8, 14 & 18 are found to be unpatentable over considerable consideration of the teachings of Freivald.

5. Regarding Claims 4, 11, 15 & 19, Freivald discloses a network update tracking system in a server wherein the logic that detects the number of updates in the corresponding number of network sites further comprises logic that compares a content measure of at least one of the network sites with a corresponding previous content measure upon an occurrence of a comparison event, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 4, 11, 15 & 19.

6. Regarding Claims 5 & 9, Freivald discloses a network update tracking system in a server wherein the logic that generates the update report to be sent to the client via the network further comprises logic that embodies the update report into an electronic mail message; and wherein the logic that transmits the update report to the client via the

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network further comprises logic that transmits the electronic mail message to the client via the network, (Col. 6, lines 35-42 & Col. 14, lines 55-60). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 5 & 9.

7. Regarding Claims 6, 12, 16 & 20, Freivald discloses a network update tracking system in a server wherein the logic that detects the number of updates in the corresponding number of network sites further comprises logic that detects the occurrence of the comparison event, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21). [Examiner further notes the use of alternate comparison events as noted within US Patent 6,209,026 B1 to Ran.] Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 6, 12, 16 & 20.

8. Regarding Claims 3 & 10, Freivald is relied upon for those teachings disclosed herein. As noted above, Freivald discloses a network update tracking system wherein notification of change is delivered in report form via e-mail. Freivald does not specifically teach notification delivery via posting of the update report to a network site accessible by a user via the client through the network. Network posting of update reports would have been obvious to one of ordinary skill in the art at the time of invention by Applicant, as Freivald discloses storage/database of user-related information for webpage update notification purposes, (Col. 6, lines 28-30), as well as a web-based communication tool, (Col. 6, lines 41-42). Examiner notes that it would have been obvious to include a URL for a user-related website within the aforementioned

database for purposes of user notification, wherein the user would be able to randomly check the same without need for an e-mail notification, thereby reducing network traffic. Thus, Claims 3 & 10 are found to be unpatentable of considerable consideration of Freivald.

### ***Response to Arguments***

9. Applicant's arguments filed 25 March 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Additionally, Applicant's argument concerning the use of variables, tags or attributes for update purposes has been addressed herein above.

10. In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "prevent the detecting of updates to web sites that occur due to dynamic content such as advertisements ... about which users may not wish to be informed") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, as noted herein above, Freivald clearly teaches a change-detection tool that does not report (web-related) changes that are not relevant to the user.

11. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how reconsideration avoids such references or objections, Examiner hereby maintains the rejection of all claims in their entirety.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

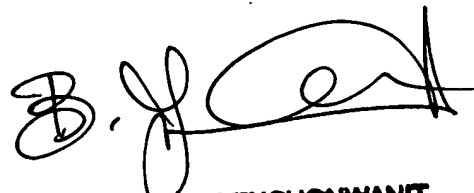


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML



**BUNJOO JAROENCHONWANT**  
**PRIMARY EXAMINER**